

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

RICO LAMAR BALLARD,

Plaintiff,

V.

Officer JESSICA HOLLAND, et al.,

Defendants.

CIVIL ACTION NO. 5:21-cv-139 (MTT)

ORDER

Before the Court is Plaintiff's motion for a temporary restraining order (Doc. 35), which he filed simultaneously in this case and four other pending cases. Plaintiff's motion is inappropriate for at least two reasons.

First, Plaintiff has failed to set forth any relevant basis for granting a preliminary injunction. The four factors relevant to a preliminary injunctive relief analysis are: “(1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered unless the injunction issues; (3) the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) if issued, the injunction would not be adverse to the public interest.” *Four Seasons Hotels and Resorts, B.V., v. Consorcio Barr, S.A.*, 320 F.3d 1205, 1210 (11th Cir. 2003). The “movant must clearly carry the burden of persuasion” as to each of these factors. *Id.* Plaintiff’s motion fails to set forth any information or analysis regarding these factors.

Second, Plaintiff's complaint and his requested injunctive relief involve completely different matters. Plaintiff's complaint alleges that Defendants violated his

due process rights through the prison disciplinary process. Docs. 1; 7. Plaintiff's motion seeks preliminary injunctive relief against certain prison officials citing concerns that prison employees are improperly withholding or handling Plaintiff's legal mail. Doc. 35. "A district court should not issue an injunction when the injunction in question is not of the same character and deals with a matter lying wholly outside the issues in the suit." *Kaimowitz v. Orlando, Fla.*, 122 F.3d 41, 43 (11th Cir. 1997). Because Plaintiff's complaint and his motion concern different issues, Plaintiff's motion is inappropriate.

Based on the foregoing, Plaintiff's motion for a temporary restraining order (Doc. 35) is **DENIED**.

SO ORDERED, this 25th day of February, 2022.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT